

APPENDIX B
BLM – TRIBAL MEMORANDUM OF UNDERSTANDING



MEMORANDUM OF UNDERSTANDING
BETWEEN THE
AGUA CALIENTE BAND OF CAHUILLA INDIANS
AND
THE U.S. DEPARTMENT OF INTERIOR - BUREAU OF LAND MANAGEMENT
FOR
ACQUISITION AND EXCHANGE OF LANDS
WITHIN THE PROPOSED SANTA ROSA AND SAN JACINTO MOUNTAINS
NATIONAL MONUMENT

I. INTRODUCTION

Proposed legislation would designate a National Monument in the Santa Rosa and San Jacinto Mountains including lands south and west of Palm Springs California. The National Monument would be established to preserve the nationally significant biological, cultural, recreational, geological educational and scientific values of the mountains.

The proposed legislation specifically states that the establishment of the National Monument shall not affect any Indian Reservation and that the Congress does not intend for the designation of the National Monument to lead to the creation of protective perimeters or buffer zones.

The Agua Caliente Band of Cahuilla Indians is a federally recognized Tribe exercising jurisdiction over the Agua Caliente Indian Reservation with an existing agreement establishing procedures for government-to-government consultation with the U.S. Bureau of Land Management.

II. PURPOSE OF THE AGREEMENT

Certain tribal and allotted lands of the Agua Caliente Band of Cahuilla Indians are within the proposed boundaries of the National Monument. Thus, it is in the interest of the Agua Caliente Band and the U.S. Bureau of Land Management (herein after referred to as "the parties") to clarify, by this agreement, the government-to-government relationship that exists with respect to BLM lands that are within both the reservation and the proposed boundaries of the National Monument.

[Handwritten signature]
R.M.M.

BLM – ACBCI Land Exchange
Draft Environmental Impact Statement
Appendix B: BLM/Tribal Memorandum of Understanding

It is also in the interests of the parties to the agreement to establish a framework for cooperation concerning acquisition and exchange of non-trust lands. To implement that framework, the parties may also seek to involve others to facilitate or support mutual objectives concerning the acquisition or exchange of land.

III. AGREEMENT

Effective upon execution of this agreement:

A. The BLM shall:

1. Jointly identify opportunities with the Agua Caliente Band of Cahuilla Indians to exchange BLM administered public land parcels within the reservation. Exchanges will be based on fair market value appraisals and will be confined to the Santa Rosa and San Jacinto Mountains.
2. Cooperate with the Tribal Council of the Agua Caliente Band of Cahuilla Indians to identify potential non-federal lands for acquisition within the exterior boundaries of the Agua Caliente Indian Reservation and assist the Tribe in seeking federal funding for acquisition, where appropriate.
3. Consult with the Tribal Council on any proposed acquisition within the reservation and reject proposals unless they have been offered to the Tribal Council of the Agua Caliente Band of Cahuilla Indians as candidates for acquisition.
4. Defer to the Agua Caliente Band of Cahuilla Indians and the USDI Bureau of Indian Affairs concerning requests to the Secretary to place title of lands acquired through exchange into trust with the United States for the Agua Caliente Band of Cahuilla Indians as additions to the Agua Caliente Indian Reservation, to the extent permitted by Federal law.
5. Manage all lands received in exchange to preserve the nationally significant biological, cultural, recreational, geological, educational, and scientific values found in the Santa Rosa and San Jacinto Mountains as an enduring legacy of our heritage, and to secure for future generations the opportunity to experience the magnificent vistas, wildlife, landforms, and natural and cultural resources in these mountains.

B. The Agua Caliente Band of Cahuilla Indians shall:

1. Jointly identify opportunities with the Bureau of Land Management to exchange BLM public land parcels within and outside the reservation. Exchanges will be based on fair market value appraisals and will be confined


B.M.M.

BLM – ACBCI Land Exchange
Draft Environmental Impact Statement
Appendix B: BLM/Tribal Memorandum of Understanding

to the Santa Rosa and San Jacinto Mountains.

2. Advise the BLM of the Agua Caliente Band of Cahuilla Indians' priorities for acquisition and resource management within the Santa Rosa and San Jacinto Mountains National Monument.
3. Participate in preparing federal funding requests when lands within the exterior boundaries of the reservation are proposed by the Tribal Council for purchase and inclusion in the reservation.
4. Consult with the Bureau of Land Management concerning known proposals for land acquisition within the Santa Rosa and San Jacinto Mountains.
5. Manage all lands received in exchange to preserve the nationally significant biological, cultural, recreational, geological, educational, and scientific values found in the Santa Rosa and San Jacinto Mountains as an enduring legacy of our heritage, and to secure for future generations the opportunity to experience the magnificent vistas, wildlife, landforms, and natural and cultural resources in these mountains.

C. The BLM and the Agua Caliente Band of Cahuilla Indians shall

1. Consider exchanges of BLM administered public lands outside the exterior reservation boundaries to the Agua Caliente Band of Cahuilla Indians if it determined through compliance with applicable law to be in the interest of both the Tribe and the public.

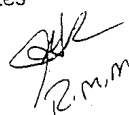
IV. **MODIFICATION OF THIS AGREEMENT**

This agreement may be modified, amended or supplemented by mutual consent of the parties. Either party may propose modification by notifying the other in writing. The parties agree to seek a mutually acceptable schedule to negotiate any modifications in the agreement.

This agreement may be terminated only by mutual consent of the parties. Termination may be requested in writing by either party through notification of the other signatory. Notification shall include the a description of the basis for the request. The notified party shall respond within 30 days, proposing a schedule to negotiate unresolved issues offered as the basis for termination.

V. **APPROVAL**

On behalf of the Agua Caliente Band of Cahuilla Indians and the United States

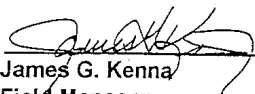

R.M.M.

BLM – ACBCI Land Exchange
Draft Environmental Impact Statement
Appendix B: BLM/Tribal Memorandum of Understanding

Bureau of Land Management, this agreement is approved on the ____th day of
October, 1999.

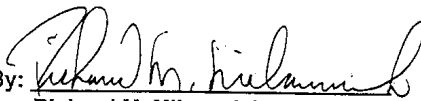
APPROVALS:

U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT

By: 
James G. Kenna
Field Manager
South Coast/Palm Springs Field Office

10/13/99
Date

AGUA CALIENTE BAND OF CAHUILLA INDIANS

By: 
Richard M. Milanovich
Chairman, Tribal Council

10-13-99
Date